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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,227	12/12/2005	Norbert Krimbacher	Krimbacher I PCT	4984
25889	7590	10/30/2007		
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER LESLIE, MICHAEL S	
			ART UNIT 3745	PAPER NUMBER
			MAIL DATE 10/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<div style="border: 1px solid black; width: 150px; height: 20px; margin-bottom: 5px;"></div> <p style="text-align: center;">Office Action Summary</p>	Application No. 10/560,227	Applicant(s) KRIMBACHER, NORBERT	
	Examiner Michael Leslie	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/12/2005</u> | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: ____ |
|--|--|

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the face side have a cross section with a different size than the remaining piston unit (claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller (DE 19602390).

Keller discloses a hydraulic drive for displacing an actuator between two predetermined end positions, including a piston unit (2, 21, 29) which can be pressurized in a cylinder unit (1) in opposite directions by way of hydraulic springs and a control device for alternation pressurization in opposite directions of the piston unit, wherein the cylinder unit includes an end section (Fig. 17, bottom portion) of smaller cross section than the remaining cylinder space and receives in a sealing manner the respective face side (not labeled) of the piston unit in the associated end position, that the end sections connected via a throttle (10) to a return line (not labeled) for the hydraulic medium are delimited by a control edge (31) each relative to the remaining cylinder space, and that the control device consists of an actuating drive (12, 18) for an axial relative movement of the control edge relative to the face side of the piston (See Fig. 17). Wherein the control edge of the end section of the cylinder unit is formed on a sleeve (3) which is held in an axially displaceable manner and is connected with the actuating drive of the control device, the actuating drive of the control device pressurizes the face side of the piston engaging in the end section of the cylinder unit, and at least one face side (2, 29; 21) of the piston unit has a cross section which is differently large relative to the remaining piston unit.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tunkers (6220588).

Tunkers discloses a hydraulic drive for displacing an actuator between two predetermined end positions, including a piston unit (5) which can be pressurized in a cylinder unit (2) in opposite directions by way of hydraulic springs and a control device for alternation pressurization in opposite directions of the piston unit, wherein the cylinder unit includes an end section (35) of smaller cross section than the remaining cylinder space and receives in a sealing manner the respective face side (25) of the piston unit in the associated end position, that the end sections connected via a throttle (58) to a return line (32) for the hydraulic medium are delimited by a control edge (~36) each relative to the remaining cylinder space , and that the control device consists of an actuating drive (14) for an axial relative movement of the control edge relative to the face side of the piston. Wherein the return lines for the hydraulic medium connected to the end sections of the cylinder unit and/or pressurization lines connected to the cylinder unit on each piston side can be opened or closed by control edges (Throttle 29 can be blocked by the piston in the end position) of the piston unit depending on the axial piston position.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 5353594, 3805672, and 3238850 each disclose hydraulic drives with reduced end sections.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ML
October 24, 2007


Michael Leslie
Primary Examiner
AU 3745